

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**  
Plaintiff,

Vs.

**EDUARDO CRUZ RIVERA**  
Defendant

**Criminal Case No. 00-35(JAF)**

**INFORMATIVE MOTION**

**COMES NOW** Eduardo Cruz-Rivera, and through the undersigned attorney, respectfully alleges and prays:

- 1) Mr. Cruz-Rivera has filed a suppression motion in the case. We submit that the state agents who intervened with Mr. Cruz-Rivera lied about their intervention. We remind the Court that the Federal Government claimed jurisdiction in the case at bar after there was a no probable cause determination by a state judge in a full Rule 6 hearing. Thus, the federal agents do not have personal knowledge, supervised the activities of state officers or gave instructions during the intervention with Mr. Cruz-Rivera.
- 2) We deem indispensable in this hearing the testimony of PPR state agents Angel Carrer and Orlando Guzmán (Drogas Vega Baja) in order to establish the inherent contradictions of their sworn testimony, the first time they declared before a Judge in Bayamón Court of First Instance. We understand said agents are going to be witnesses for the government in the revocation hearing. Although, we believe that as a matter of law said agents must be present in the revocation hearing in order for the government to have a plausible case, we want to make sure that is the case in order to safeguard Mr. Cruz-Rivera's due process rights (6<sup>th</sup> Amendment right to confrontation). Evidence relied upon to revoke a

term of supervised release must be reliable, US v. Stephenson, 928 F. 2d 728 (6<sup>th</sup> Cir. 1991), and we submit that any evidence the federal case agent can bring to this arrest is unreliable as the agent was not a participant in the state intervention.

- 3) In any case, we claim our right to cross-examine witnesses even during this proceeding. In this particular case, is of utmost importance because the case agent did not supervise or was aware of the activities undertaken by the state agents. Thus, the federal case agent has no knowledge of what actually transpired that led to the arrest of Mr. Cruz-Rivera. Moreover, he cannot explain what happened before the Judge in the Rule 6 hearing.

WHEREFORE it is respectfully requested from the Court to take notice of the above.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this **May 10, 2006**

**CERTIFICATE OF SERVICE:** I hereby certify that on May 10, 2006 electronically filed the foregoing with the Clerk of the Court, using the CM/ ECF system which will send automatic notification of such filing to: AUSA Nathan J. Shulte, and all attorneys of record.

**S/ JORGE LUIS ARMENTEROS CHERVONI**

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